

REMARKS

Claims 1-17 are pending in the application, of which claims 1 and 38 are independent. Applicant has amended claims 1 and 2, added new claims 38-46, and canceled claims 18-37. Favorable reconsideration and further examination are requested.

Applicant amended claim 1 to recite that the method is computer implemented and to provide antecedent basis for the phrase "undisturbed amplitude ratio."

Applicant amended claim 2 to address the Examiner's objection. Withdrawal thereof is respectfully requested.

§101 Rejection

The Examiner rejected claims 1-17 under 35 U.S.C §101 as being directed to non-statutory subject matter.

Applicant disagrees with the Examiner's assertion that claims 1-17 are directed to non-statutory subject matter. 35 U.S.C. §101 defines statutory subject matter as "any new and useful process, machine, manufacture or composition of matter, or any new and useful improvement thereto." As noted by the examiner, for a claim to be statutory subject matter under 35 U.S.C. §101, the process must produce a "useful, concrete, tangible" result. (See *State Street Bank & Trust Co. v. Signature Financial Group Inc*, 149 F.3d1368, 1374-75, 47 USPQ 2d 1596, 1602 (Fed. Cir. 1998). Applicant's claims 1-17 produce a "useful, concrete, tangible" result and are therefore statutory under 35 U.S.C. §101. For example, as amended, independent claim 1 relates to a computer-implemented distortion compensation method and recites "adjusting a position

indication.” Such a position indication is a useful, concrete, and tangible result. Therefore, the rejection of claims 1-17 under 35 U.S.C. §101 should be withdrawn.

Claims 2-17 are dependent on claim 1 and further define results and embodiments of the method steps of claim 1.

Prior Art Rejections

The Examiner rejected claim 1 under 35 U.S.C. 102(e) as being anticipated by Govari (EP 1 203 560).¹ Claim 1 recites “determining an undisturbed amplitude ratio that relates the amplitude of the first position indication signal at a first frequency to the amplitude of the second position indication signal at a second frequency... [and] adjusting a position indication based on... the undisturbed amplitude ratio.” Govari is not understood to disclose or suggest at least this feature of claim 1.

In contrast to the applicant's claimed method, Govari teaches a method in which a ratio of disturbed amplitude signals is used to determine a spatial coordinate.² More particularly, Govari calculates an amplitude ratio according to the equation $\beta_i = \left| \frac{\overline{M}_i}{\overline{M}_0} \right|$.³ As shown in Govari's equation 5a, M_i represents a disturbed amplitude and can be calculated according to

$\overline{M}_i = \overline{A}_i + \overline{A}_i'$ where \overline{A}_i represents the unperturbed field and \overline{A}_i' represents the perturbed field.

As such, since Govari's ratio of amplitudes is a ratio of disturbed amplitudes. Govari fails to disclose or suggest “determining an undisturbed amplitude ratio that relates the amplitude of the

¹ The Examiner has not rejected dependent claims 2-17 under 35 U.S.C. 102 or 103.

² Page 8, ¶ 53-54.

³ Page 8, ¶ 53.

first position indication signal at a first frequency to the amplitude of the second position indication signal at a second frequency... [and] adjusting a position indication based on... the undisturbed amplitude ratio..." as recited in amended claim 1. For at least the foregoing reasons, claim 1 is believed to be patentable over Govari.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-368-2141.

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Enclosed is a \$120 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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